

**HANDBOOK FOR  
EMPLOYER OF A LEGISLATIVE LIAISON**

2013



**INDIANA LOBBY REGISTRATION COMMISSION**

**INDIANA LOBBY REGISTRATION COMMISSION**

10 W. Market Street, Suite 1760

Indianapolis, Indiana 46204

PH: (317) 232-9860

FAX: (317) 233-0077

[www.in.gov/ilrc](http://www.in.gov/ilrc)

Under IC 5-14-7, a state agency or a state educational institution is required to file an annual report with the Indiana Lobby Registration Commission if the state agency or state educational institution employed a “legislative liaison” as defined in IC 5-14-7-3 during the reporting year.

This handbook provides information about the annual reporting requirements and reporting policies and procedures. Please read and familiarize yourself with the handbook. In the event of any inconsistency between this handbook and the relevant statutory provisions, the statutory language governs.

The Indiana Lobby Registration Commission and its staff are ready to help you with any questions you may have about IC 5-14-7 or the annual report form prescribed by the Commission.

This handbook and the annual report form for the employer of a legislative liaison can be downloaded from the Commission’s website at [www.in.gov/ilrc](http://www.in.gov/ilrc)

**IF A STATE AGENCY OR STATE EDUCATIONAL INSTITUTION ENGAGES SOMEONE OTHER THAN AN EMPLOYEE TO LOBBY FOR THE AGENCY OR INSTITUTION, THEN THE AGENCY OR INSTITUTION MAY BE REQUIRED UNDER IC 2-7 TO REGISTER WITH AND REPORT TO THE COMMISSION AS A LOBBYIST. IN SUCH A CASE, THE AGENCY OR INSTITUTION SHOULD CONSULT THE COMMISSION’S LOBBYIST HANDBOOK.**

Sincerely,

**INDIANA LOBBY REGISTRATION COMMISSION**

Jan Abbs, *Commissioner*

Joe Micon, *Commissioner*

Sue Scholer, *Commissioner*

Terry White, *Commissioner*

**COMMISSION STAFF**

Charles W. Harris, *Executive Director & General Counsel*

Amy M. Nicholson, *Assistant Director*

Kaytie Barrett, *Office Administrator*

## **Overview of Reporting Requirements**

### **Who Must Report?**

IC 5-14-7 applies to a state agency as defined in IC 4-2-6-1 or a state educational institution as defined in IC 21-7-13-32 that employs a legislative liaison during any portion of a reporting year. It is the employer of such a legislative liaison and not the liaison that is required to file annual reports with the Commission.

### **Who is Considered a Legislative Liaison?**

The term legislative liaison, as defined in IC 5-14-7-3, includes an employee of such a state agency or state educational institution who is designated by the employer and receives at least 10% of the employee's annual compensation to engage in legislative lobbying. If such an employee does receive at least 10% of his or her annual compensation to engage in legislative lobbying, there is a rebuttable presumption that the employee has been designated to do so by his or her employer and thus is a legislative liaison.

### **What Constitutes Legislative Lobbying?**

IC 5-14-7-1 provides that the definitions in IC 2-7-1 apply to IC 5-14-7. The term "lobbying" is defined in IC 2-7-1-9 to mean communicating by any means, or paying others to communicate by any means, with any legislative person with the purpose of influencing any legislative action.

### **Who is considered a Legislative Person?**

The term "legislative person" is defined in IC 2-7-1-8. It included the following individuals:

- (1) A member of the general assembly.
- (2) A candidate for election to the general assembly.
- (3) An officer of the general assembly.
- (4) An employee of the legislative department of state government.
- (5) A member of the immediate family of anyone described in subdivision (1), (2), (3), or (4). A lobbyist who is a close relative of a legislative person is not considered a legislative person.
- (6) A paid consultant of the general assembly.
- (7) An official of an agency of the legislative department of state government.

### **What is the Reporting Period?**

The annual reporting year for the employer of a legislative liaison runs from November 1 of one year through October 31 of the following year.

### **When are Reports Due?**

The due date for the annual report of the employer of a legislative liaison is November 30 of the year during which the period covered by the report ends.

### **What Must be Reported?**

As a general rule, the report of the employer of a legislative liaison is to include expenditures for entertainment, including meals and drinks, or gifts, or both, that benefit a particular legislative person and that reach one of two reporting thresholds. The first threshold is \$50 or more in one day, and the second threshold is more than \$250 in a reporting year.

However, under IC 5-14-7-4 (b), an employer's annual report is not to include the following:

- (1) Items provided under a statute or from an agency for distribution to constituents.
- (2) Items provided during the performance of official duties by a legislative person, including the legislative person's service as a member of, or participant in, any of the following:
  - (A) The legislative council.
  - (B) The budget committee.
  - (C) A standing or other committee established by the rules of the house of representatives or the senate.
  - (D) A study committee established by statute or by the legislative council.
  - (E) A statutory board or commission.
- (3) A scholarship, student employment, or other financial aid granted to a legislative person for attendance

at a state educational institution.

- (4) Expenditures relating to an economic development effort, function, or event by an agency, including those hosted by the Indiana economic development corporation.

### **How is the Employer to Report?**

The employer of a legislative liaison is to file a single, aggregate annual report that includes the reportable expenditures for lobbying activities for all of the employer's legislative liaisons. The employer is to use the form prescribed by the Commission to file its annual report. A copy of the form can be downloaded from the Commission's website at [www.in.gov/ilrc](http://www.in.gov/ilrc).

A state agency or state educational institution that has a legislative liaison but which had no reportable entertainment or gift expenses for the reporting year is still required to file a statement with the Commission. In such a case, the agency or institution should review the instructions for SECTION C of the reporting form prescribed by the Commission.

### **Where and How are Reports to be Filed?**

The annual report from the employer of a legislative liaison is to be filed with the Commission using the following address:

**Indiana Lobby Registration Commission  
10 W. Market Street, Ste. 1760  
Indianapolis, IN 46204**

The rules for delivering the annual reports to the Commission are set forth below:

1. **Delivery through U.S. Postal Service.** A report will be considered to have been filed on time if it is mailed in an envelope that is properly addressed, has sufficient postage, and is postmarked by the due date. If a statement or report is sent by registered mail, the date of registration is considered the postmark date.
2. **Private Delivery Service.** A report that is delivered by a designated private delivery service will be considered to have been filed on time if the date that the private delivery service marks on the mailing label is on or before the due date for the report. For purposes of this delivery rule, the designated private delivery services are as follows:
  3. ***Federal Express (FedEx):*** FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
  4. ***United Parcel Service (UPS):*** UPS Next Day Air, UPS Next Day Air Saver, UPS 2<sup>nd</sup> Day Air, UPS 2<sup>nd</sup> Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.
  5. ***DHL Express (DHL):*** DHL Same Day Service, DHL Next Day 10:30 A.M., DHL Next Day 12:00 P.M., DHL Next Day 3:00 P.M., and DHL 2<sup>nd</sup> Day Service.
- **Hand Delivery** - forms may be hand-delivered, Monday through Friday, during regular office hours - 8:30 AM - 4:30 PM. If you need copies to be file-stamped while you wait, you need to provide the copies. Remember that on deadline dates the wait may be lengthy.
- **The Commission does not accept service by fax; the signature must be an original or the filing will not be accepted.**
- **The Commission does not accept service by inter-office mail.**

## **Instructions for Completing the Annual Report**

A copy of the annual reporting form prescribed by the Commission is provided in Appendix 1.

### **SECTION A. Employer and Legislative Liaison Information**

- Line 1.** Provide the employer's name. It is important that the employer consistently use the same name from year to year. If the name of the employer is changed, then the employer must notify the Commission in writing of the name change.
- Line 2.** Provide the employer's current business address and telephone number.
- Line 3.** Provide the complete name of each person who was a legislative liaison of the employer during any portion of the reporting year.

### **SECTION B. Certain Entertainment Expense and Gifts**

A separate entry is required for each legislative person with respect to whom a reportable gift or entertainment expense was incurred during the reporting year. The legislative person's name is to be entered in the first column. A brief description of the transaction is to be entered in the second column (entertainment or gift, or both). In the third column, enter a specific date if all transactions related to the amount reported in the fourth column occurred on a single day or enter "Reporting Year" if the transactions occurred on multiple dates. The total amount of all reportable gift and entertainment expenses that benefit the legislative person should be entered in the fourth column.

### **SECTION C. Employer's Statement of No Reportable Expenses.**

IC 5-24-7-6 requires a state agency or state educational institution that has a legislative liaison to file a statement with the Commission even if there were no reportable entertainment or gift expenditures for the reporting year. In such a case, the employer should file an annual report with the Commission. On the report, the employer should enter nothing in SECTION B, but should check the box in SECTION C verifying that the employer had no reportable entertainment or gift expenses for the reporting year.

## **RELATED STATUTES**

### **IC 2-7-1-4**

#### **"Gift"**

Sec. 4. (a) "Gift" means the voluntary transfer of anything of value without consideration.

(b) The term does not include a contribution (as defined in IC 3-5-2-15).

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.3; P.L.58-2010, SEC.8.*

### **IC 2-7-1-8**

#### **"Legislative person"**

Sec. 8. "Legislative person" means any of the following:

(1) A member.

(2) A candidate.

(3) An officer of the general assembly.

(4) An employee of the legislative department of state government.

(5) A member of the immediate family of anyone described in subdivision (1), (2), (3), or (4). A lobbyist who is a close relative of a legislative person is not considered a legislative person.

(6) A paid consultant of the general assembly.

(7) An official of an agency of the legislative department of state government.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.58-2010, SEC.11; P.L.165-2013, SEC.1.*

### **IC 2-7-1-9**

#### **"Lobbying"**

Sec. 9. "Lobbying" means communicating by any means, or paying others to communicate by any means, with any legislative person with the purpose of influencing any legislative action.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.58-2010, SEC.12.*

### **IC 4-2-6-1(a)(2)**

#### **Definitions**

Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision.

### **IC 5-14-7**

#### **Chapter 7. Legislative Liaisons**

### **IC 5-14-7-1**

#### **Application of definitions in IC 2-7-1**

Sec. 1. The definitions in IC 2-7-1 apply in this chapter.

*As added by P.L.58-2010, SEC.34.*

#### **IC 5-14-7-2**

##### **"Employer"**

Sec. 2. As used in this chapter, "employer" refers to either of the following:

- (1) An agency (as defined in IC 4-2-6-1).
- (2) A state educational institution (as defined in IC 21-7-13-32).

*As added by P.L.58-2010, SEC.34.*

#### **IC 5-14-7-3**

##### **"Legislative liaison"**

Sec. 3. As used in this chapter, "legislative liaison" refers to an individual:

- (1) designated by an employer; and
- (2) who receives at least ten percent (10%) of the individual's annual compensation to engage in lobbying.

*As added by P.L.58-2010, SEC.34.*

#### **IC 5-14-7-4**

##### **Employer must file annual report of expenditures of legislative liaisons for lobbying; reporting thresholds; report contents**

Sec. 4. (a) An employer shall annually file a single, aggregate report of expenditures for lobbying activities by each of the employer's legislative liaisons stating expenditures for entertainment (including meals and drink) or gifts that:

- (1) total per legislative person:
  - (A) fifty dollars (\$50) or more in one (1) day; or
  - (B) together more than two hundred fifty dollars (\$250) during the reporting year; and
- (2) would be reportable to the lobby registration commission by a registered lobbyist under IC 2-7.
- (b) A report under this section may not include the following:
  - (1) Items provided under a statute or from an agency for redistribution to constituents.
  - (2) Items provided during the performance of official duties by a legislative person, including the legislative person's service as a member of, or participant in, any of the following:
    - (A) The legislative council.
    - (B) The budget committee.
    - (C) A standing or other committee established by the rules of the house of representatives or the senate.
    - (D) A study committee established by statute or by the legislative council.
    - (E) A statutory board or commission.
  - (3) A scholarship, student employment, or other financial aid granted to a legislative person for attendance at a state educational institution.
  - (4) Expenditures relating to an economic development effort, function, or event by an agency, including those hosted by the Indiana economic development corporation.

*As added by P.L.58-2010, SEC.34. Amended by P.L.165-2013, SEC.13.*

#### **IC 5-14-7-5**

##### **Report filed with Indiana lobby registration commission; report filing deadline; period covered by report**

Sec. 5. (a) A report required by this chapter must:

- (1) be filed with the commission not later than November 30 of each year; and
- (2) cover the period from November 1 of the previous year through October 31 of the year in which the report is filed.
- (b) The first report required by this chapter must:
  - (1) be filed with the commission not later than November 30, 2011; and
  - (2) cover the period from November 1, 2010, through October 31, 2011.

*As added by P.L.58-2010, SEC.34.*

**IC 5-14-7-6****Report of no expenditures**

Sec. 6. If an employer has no expenditures for entertainment (including meals and drink) or gifts to report, a statement of that fact is required and is sufficient to comply with the reporting requirements of this chapter.

*As added by P.L.58-2010, SEC.34.*

**IC 5-14-7-7****Indiana lobbyist registration commission to file reports on web site; notification of employer if no report received**

Sec. 7. (a) The commission shall post reports received under this chapter on the commission's web site.

(b) If the commission does not receive a report from an employer under this chapter, the commission shall notify the employer and post a copy of the notice on the commission's web site.

*As added by P.L.58-2010, SEC*

**IC 21-7-13-32****“State educational institution”**

Sec. 32. (a) “State educational institution” means any university, college, or other educational institution:

- (1) existing on or after March 29, 1971;
- (2) in Indiana;
- (3) that provides programs of;
  - (A) collegiate or university education; or
  - (B) other post-secondary education; and
- (4) that is supported in whole or in part by appropriations made by the general assembly.

(b) The term refers to the following:

- (1) Ball State University.
- (2) Indiana State University.
- (3) Indiana University.
- (4) Ivy Tech Community College
- (5) Purdue University.
- (6) University of Southern Indiana.
- (7) Vincennes University.

*As added by P.L.2-2007. SEC. 243.*